



Docket No. 788CIP2C

#9/A
4/9/02

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Tang, et al.
Serial No: 09/664,641
Filed: September 19, 2000
For: NOVEL NUCLEIC ACIDS AND
POLYPEPTIDES

CERTIFICATE OF MAILING
UNDER 37 CFR 1.8

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RESPONSE TO RESTRICTION REQUIREMENT AND AMENDMENT

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Dear Examiner Arthur:

RESTRICTION REQUIREMENT

In response to the December 19, 2001 Restriction Requirement in the above-identified application, Applicants elect with traverse Group 45, claims 10- 11 and 20 drawn to polypeptides encoded by SEQ ID. NO: 10. Applicants make this election without prejudice to pursuing non-elected subject matter in later applications.

Pursuant to 37 CFR 1.141, upon the allowance of the product claims, Applicants respectively reserve the right of rejoinder of Group 10, claim 19, drawn to a method of making the polypeptide. Additionally, pursuant to 37 CFR 1.141, upon the allowance of the product claims, Applicants respectively reserve the right of rejoinder of Group 185, claim 21 and Group 255, claim 27, drawn to a method of using the polypeptide.

PRELIMINARY AMENDMENT

Prior to substantive examination, please amend the application as follows:

IN THE CLAIMS

Please cancel claims 1-9, 12-18, 22-26, and 28.

Kindly amend pending claims 10 and 20 as follows:

A1 10. An isolated polypeptide encoded by SEQ ID NO: 10.

A2 20. An isolated polypeptide comprising an amino acid sequence which is 99% identical to the amino acid sequence of SEQ ID NO: 10.

REMARKS

Upon entry of the foregoing amendments, claims 10, 11, and 20 are under consideration.

Support for the amendment to claim 10 appears at least in the originally filed claim 10.

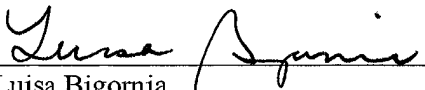
Support for the amendment to claim 20 appears at least at page 28, line 21-27 of the specification. Applicants respectfully submit that the pending claims are in a condition for allowance. The undersigned can be reached at 408-746-4536 if the Examiner wishes to discuss the response.

An early action on the merits is respectfully requested.

The response to the Restriction Requirement is due on or before March 19, 2002 with a two-month extension of time. A petition for a two-month extension of time is enclosed herewith. The Commissioner is hereby authorized to charge any additional fees that may be due, or credit any overpayment of same, to Deposit Account No. 501169.

Respectfully submitted,

Date: March 19, 2002

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